



State of California

## **Respiratory Care Board**

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**Inquiry:** I have some questions on section 3702 of the Laws and Regulations Relating to the Practice of Respiratory Care regarding the practice of respiratory care under the supervision of a medical director. As an "alternate site" practitioner, I have not been aware or knowledgeable of having a medical director while working as an RCP for many years. The RCPA states that I must practice under a medical director.

- (1) What defines a medical director? Many home care companies, with which I have been employed, have no readily available information offered upon employment regarding the availability, presence or location of a medical director. If there is one present, he or she might be employed for the entire statewide/ national company and certainly is not necessarily directly available to the RCP as a resource.
- (2) Does the medical director assigned to a medical group(to which the prescribing physician belongs) constitute a medical director for the RCP to practice as the RCP is the outside contracted/ preferred provider?
- (3) Does the medical director for the insurance/HMO/PPO/POS (with which the prescribing physician/receiving patient is affiliated) constitute a medical director for the RCP to practice as the contracted company provider of the services?
- (4) What are the consequences to the RCP if there is or has been no medical director under which the RCP is or has been practicing?
- (5) How does the RCP ensure that he/she is practice under a medical director which is defined under section #3702?
- (6) What, if any, are the provisions under which an "alternate site" provider which employs RCP's may refer to in regards to the matter of retaining a medical director to satisfy the #3702?
- (7) Please define "medical director".

**Response:** The RCPA defines the medical director in section 3704(c). It states that a medical director is a physician or surgeon who is a member of a health care facility's active medical staff and who is knowledgeable in respiratory care.

Please reference Title 22, sections 74600 – 74749 (Home Health Agencies) for further clarification of the California statues that regulate home health agencies. These sections should answer the questions you have raised regarding the role of medical directors in relation to home health respiratory care practice. You can

gain access to Title 22 via the internet at <http://www.dhs.ca.gov/> or by contacting them at the following address.

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